

United States District Court

FILED

MAY - 7 2008

Eastern

DISTRICT OF

North Carolina

DENNIS P. IAVARONE, CLERK
U.S. DISTRICT COURT, EDNC
BY DEP CLK

UNITED STATES OF AMERICA

v.

Ana Elizabeth Garcia
AKA: Brendaly Rivera Torres
4560 Hargrove St., Apt. 203
Raleigh, North Carolina, 27616

CRIMINAL COMPLAINT

CASE NUMBER: 5:08-M-1255

I the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 4, 2008 and May 1, 2008 in Wake County in the Eastern District of North Carolina the defendant(s) did,

Knowingly and willfully make material false statements and Made a False Claim to United States Citizenship, and committed Aggravated Identity Theft

in violation of Title 18 United States Code, Section(s) 911; 1028A(a)(1). I further state that I am a Special Agent with the US Department of State, Diplomatic Security Service, and this complaint is based on the following facts:

Please see attached affidavit.

Continued on the attached sheet and made a part thereof: Yes No


Signature of Affiant

Sworn to before me, and subscribed in my presence,

May 6, 2008 at Raleigh, NC
Date City and State

James E. Gates
United States Magistrate Judge


Signature of Judicial Officer

AFFIDAVIT

I, Tony Bell, having been duly sworn, hereby depose and say:

1. I am employed as a Special Agent with the United States Department of State, Diplomatic Security Service (DSS), and am assigned to the Greensboro Resident Office in Greensboro, North Carolina. I have been employed as a Special Agent with the Diplomatic Security Service for approximately four years, and have completed the Criminal Investigator's Training Program held at the Federal Law Enforcement Training Center, Glynco, GA. My duties as a Special Agent include conducting criminal investigations regarding United States passport fraud, visa fraud, and fraudulent identity documents. Your affiant has investigated approximately 130 passport fraud, visa fraud, and identity theft related cases.

2. This affidavit is based upon information supplied to me by other law enforcement officers, federal agents, reviewing law enforcement reports, and personal involvement in this investigation. This affidavit does not set forth all information known to the United States Department of State, DSS, about this case and is being submitted solely for the purpose of providing sufficient information to establish probable cause for an arrest warrant for Ana Elizabeth GARCIA Soto for violations of 18 USC §911, False Claim to US Citizenship; and 18 USC §1028A, Aggravated Identity Theft.

3. Ana Elizabeth GARCIA Soto (a.k.a. Brendaly Rivera TORRES), Date of Birth (DOB) October XX, XXXX, Place of Birth (POB) Dominican Republic, Alien Registration Number (A#XXXX2724), 4560 Hargrove Street, Apartment 203, Raleigh, North Carolina made material false statements in that she claimed to be a US Citizen in

violation of 18 USC §911, False Claim to US Citizenship; and assumed the identity of Brendaly Rivera Torres, in violation of 18 USC §1028A, Aggravated Identity Theft.

4. On May 1, 2008, Ana Elizabeth GARCIA Soto (a.k.a. Brendaly Rivera TORRES), was encountered by Raleigh Police Department (RPD) Officers and Immigration and Customs Enforcement (ICE) Agents in a vehicle with another female subject, who was detained for operating a vehicle without a license. GARCIA (a.k.a. TORRES) identified herself to RPD Officers and the ICE Agent during the traffic stop as Brendaly Rivera TORRES, by presenting a North Carolina Identification Card (NC ID #XXXX0283) and a Puerto Rican Birth Certificate (# DXXX5520), Date of Birth (DOB) January XX, XXXX. GARCIA (a.k.a. TORRES) stated to ICE Agents that she was in fact from Puerto Rico and a US Citizen. GARCIA (a.k.a. TORRES) was previously known to RPD Officers based on a home invasion complaint that she filed on April 4, 2008 with the Raleigh Police Department (RPD).

5. On April 4, 2008, RPD Officers responded to 1500 Gorman Street, Raleigh, NC, in response to a home invasion complaint. GARCIA (a.k.a. TORRES) and two other individuals were the victims of the home invasion. One of the other victims in the residence was Jose Manuel JIMENEZ (a.k.a. Carlos Eliezer SANTANA DeJesus), who is a subject of a similar identity fraud investigation.

6. Following GARCIA (a.k.a. TORRES) and JIMENEZ (a.k.a. SANTANA) filing the police report regarding the home invasion, your affiant conducted law enforcement database checks for both GARCIA (a.k.a. TORRES) and JIMENEZ (a.k.a. SANTANA). GARCIA (a.k.a. TORRES) had recently obtained a NC ID (#XXXX0283) using a Puerto Rican Birth Certificate and Social Security Card.

7. JIMENEZ (a.k.a. SANTANA) stated to RPD Officers that he was a victim of a home invasion on 1500 Gorman Street, Raleigh, NC. During the interview, JIMENEZ stated to RPD Officers, that his true name was Jose Manuel JIMENEZ and that he was in fact Dominican.

8. The RPD, ICE, and DSS were conducting an investigation on a group of Dominicans that were conducting strong-arm robberies in the Raleigh, NC area. On May 1, 2008, a few of the subjects associated with this investigation were arrested by the RPD following a home invasion that they had conducted earlier that day. RPD, ICE, and DSS had followed the subjects from GARCIA's residence at 4560 Hargrove St., Apartment 203, Raleigh, NC to the victim's residence in Garner, NC. Upon returning to Raleigh, NC one of the subjects returned one of the vehicles used in the robbery to the 4560 Hargrove St., Apartment 203, Raleigh, NC residence.

9. GARCIA (a.k.a. TORRES) provided RPD Officers with consent to search her apartment located at 4560 Hargrove Street, Apartment 203, Raleigh, NC. GARCIA (a.k.a. TORRES) again told ICE Agents that she was from Puerto Rico and that her true name was Brendaly Rivera TORRES. While conducting the search of 4560 Hargrove Street, Apartment 203, Raleigh, NC, your affiant found a Dominican Passport (#SCXXX6191) in the name of Ana Elizabeth GARCIA. Your affiant reviewed the photo on the Dominican Passport (#SCXXX6191) and it was in fact GARCIA (a.k.a. Brendaly Rivera TORRES).

10. Your affiant also found a Voter Registration Card (#XXXXXXXX9959) for Brendaly Rivera TORRES, 1500 Gorman Street, Raleigh, NC.



11. Your affiant showed the Dominican Passport (#SCXXX6191) in her true name to Ana Elizabeth GARCIA Soto. GARCIA (a.k.a. TORRES) admitted to the ICE Agent that she was Ana Elizabeth GARCIA Soto and that she was from the Dominican Republic.

12. Your affiant conducted record checks with the Social Security Administration and determined that the name, date of birth, and social security number of Brendaly Rivera TORRES matches a true individual by that name born in Puerto Rico.

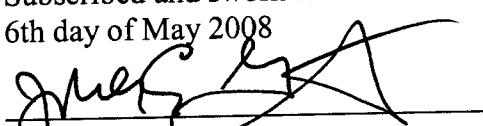
13. Based upon the above information, there is probable cause to believe that Ana Elizabeth GARCIA Soto knowingly and willfully provided material false statements to ICE Agents stating that she was in fact a US Citizen, in violation of (1) count of 18 USC §911, False Claim to US Citizenship.

14. Based upon the above information, there is probable cause to believe that Ana Elizabeth GARCIA Soto knowingly and willfully committed aggravated identity theft, in that she knowingly possessed and used without lawful authority, the identity documents of Brendaly Rivera Torres in violation of 18 USC §1028A(a)(1), Aggravated Identity Theft.



Tony Bell
Special Agent
U.S. Department of State
Diplomatic Security Service

Subscribed and sworn to before me this
6th day of May 2008



James E. Gates
United States Magistrate Judge